

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

NINA AMANDA O'NEILL,

Plaintiff,

v.

Case no: _____

UNITED STATES OF AMERICA,

Defendant.

Please Serve:

**United States of America c/o
The Honorable William Barr
Attorney General of the United States of America
U.S. Attorney General
950 Pennsylvania Ave., NW.
Washington D.C. 20535
*Agent for the United States of America***

**United States of America c/o
G. Zachary Terwilliger, Esquire
United States Attorney for the Eastern District of Virginia
Fountain Plaza Three
Suite 300
721 Lakefront Commons
Newport News, Virginia 23606
*Agent for the United States of America***

COMPLAINT

COMES NOW the plaintiff, Nina Amanda O'Neill, by counsel, and moves for judgment against the Defendant, the United States of America, on the grounds and in the amount hereinafter set forth below:

1. This action arises under the Federal Torts Claim Act (FTCA) 28, U.S.C. §§ 2671 et. seq., and this Court has jurisdiction under the provisions of 28 U.S.C. § 1346(b).
2. In accordance with 28 U.S.C. § 2401(b), the Plaintiff presented an administrative claim in

writing to the United States Department of Homeland Security – United States Coast Guard on or about June 4, 2019, in the amount of \$ 820,000.00, within two years of the date her claim accrued. On or about November 4, 2019, the Plaintiff amended the amount in her administrative claim to \$ 1,000,000.00.

3. On or about November 22, 2019, the United States Department of Homeland Security – United States Coast Guard issued a letter denying the claim.
4. The subject matter of this suit and all allegations contained herein occurred on March 3, 2019, at approximately 6:37 p.m., in James City County, Virginia, on Jamestown Road at or near the intersection of Neck-O-Land and Land Drive.
5. At the time of the accident, the plaintiff, Nina Amanda O'Neill hereinafter referred to as "O'Neill", was a resident of Williamsburg, Virginia.
6. At the time of this accident, Joshua R. Michael, hereinafter referred to as "Michael" was an employee of the United States of America as a member of the United States Coast Guard, acting within the scope of his employment when he negligently, carelessly, and recklessly drove or caused to be driven a motor vehicle into a head-on style collision with O'Neill.
7. The United States of America is responsible for the negligent acts and/or omissions of Michael while he is acting within the scope of his employment.
8. On March 3, 2019 O'Neill was properly, safely, legally, and lawfully traveling westbound on Jamestown Road, when Michael, an employee of the United States of America as a member of the Coast Guard, and while acting within the scope of his employment, was traveling eastbound on Jamestown Road attempting to make a left hand turn onto Lake Drive when he negligently, and recklessly failed to keep a safe distance, failed to keep a

proper lookout, failed to yield to oncoming traffic, failed to operate his vehicle as a reasonable prudent person, and otherwise negligently pulled his vehicle into oncoming traffic and drove or caused to be driven a motor vehicle into a head-on style collision with O'Neill.

9. It was the duty of Michael to operate his vehicle in a safe manner, with reasonable care, and in compliance with the laws of Virginia or rules of the road, and with due regard for others using the road, including O'Neill. It was further the duty of the Michael to keep a safe travelling distance, to maintain a safe speed, to keep a proper lookout, yield to oncoming traffic, and to otherwise drive as a reasonably prudent person in a safe and proper fashion. Michael negligently failed to comply with these and other duties.
10. Michael breached the above-mentioned duties when he carelessly, recklessly, improperly and negligently failed to keep a safe distance, failed to keep a proper lookout, failed to yield to oncoming traffic, and otherwise operated his vehicle in such a manner as to cause his vehicle to collide with O'Neill's vehicle with great force and violence, causing significant damage, and causing O'Neill to suffer great pain of body and mind.
11. The negligence on the part of Michael, constituted a proximate cause of the accident, damages and injuries, suffered by O'Neill.
12. As a direct and proximate result of Michael's aforesaid negligence, O'Neill was caused to sustain serious and grievous injuries; has been prevented from transacting her business; has suffered and believes she will continue to suffer great pain of body and mind; has lost wages and has sustained loss of earning capacity and has incurred financial and economic damage; has incurred and will incur in the future hospital, doctors and related bills in an effort to be cured of said injuries; and such other injuries and damages that may be

established at trial.

13. That O'Neill, be awarded pre- and post-judgment interest at the highest rate allowable by law per annum from the date of the injury for monetary losses, including without limit, pain and suffering, and from the date of the incurrence of any other specific damage.

WHEREFORE, Plaintiff, **NINA AMANDA O'NEILL**, demands judgment against the defendant, the **UNITED STATES OF AMERICA**, in the sum of **ONE MILLION DOLLARS and no cents (\$ 1,000,000.00)**, and costs in her behalf expended, all with pre- and post-judgment interest at the highest rate allowed by law.

NINA AMANDA O'NEILL

By 

COUNSEL

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